



*Report to the
Auburn City Council*

Action Item

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Agenda Item No.

[Signature]
City Manager's Approval

To: Mayor and City Council Members
From: Mark D'Ambrogio, Fire Chief
Date: June 13, 2011
Subject: Resolution covering volunteer service workers performing without pay on the 2011 Project Canyon Safe under Workers' Compensation Law.

The Issue

Shall the Council, by resolution, cover volunteer service workers performing without pay on the July 9th, 2011 Project Canyon Safe under Workers' Compensation Law?

Conclusion and Recommendation

Staff recommends the City Council, by resolution, cover volunteer service workers performing without pay on the July 9th, 2011 Project Canyon Safe under Workers' Compensation Law.

Background

The City of Auburn Workers' Compensation Program primarily covers those employees and or volunteers who receive compensation for any services performed. In the event of "voluntary" services; services performed without compensation, an individual is not covered under Workers' Compensation Law by the City and functions in the capacity as a true "volunteer". The exception to this is when the City Council, by resolution, deems volunteer services that are not compensated are to be covered under Workers' Compensation Law. The July 9th, 2011 Project Canyon Safe event will utilize a number of "volunteers"; performing services without compensation, and it is recommended for liability reasons, to provide Workers'

Compensation coverage during this event. All persons volunteering their time and services will be required to complete the Project Canyon Safe VOLUNTEER'S AGREEMENT and RELEASE OF LIABILITY to participate in this event and be covered under the Workers' Compensation Law.

Alternatives Available to Council; Implications of Alternatives

1. By resolution, provide Workers' Compensation coverage for those volunteering services without compensation;
2. Take no action, volunteers performing services will not be covered under the City's Workers' Compensation coverage.

Fiscal Impact

There are no initial direct costs to the City as a result of covering volunteers performing services without compensation.

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RESOLUTION NO. 11-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN DECLARING
PARTICIPANTS REGISTERED IN THE JULY 9, 2011 PROJECT CANYON SAFE
PROGRAM OF THE CITY OF AUBURN AS UNPAID EMPLOYEES FOR THE
PURPOSES OF THE WORKERS' COMPENSATION LAW OF THE STATE OF
CALIFORNIA

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

WHEREAS, the City of Auburn has instituted a program of voluntary
service without pay for the July 9th, 2011, Project Canyon Safe: and

WHEREAS, unless otherwise provided by the adoption of a resolution the
governing body of a public agency, persons providing volunteer services to that
public agency are not deemed to be employees thereof for the purposes of the
Workers' Compensation Law in the state of California (Labor Code 3200, et
esq.); and

WHEREAS, the Council desires to provide converge under the Workers'
Compensation Law for these volunteers.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
AUBURN, AS FOLLOWS:

Pursuant to the provisions of Labor Code Section 3363.5, this Council
hereby declares that persons duly registered in the Project Canyon Safe
program shall be deemed unpaid employees of the City for purposes of the
Workers' Compensation Law (Labor Code, Div 4); provided, that for purposes
hereof, "duly registered" shall mean persons who have duly completed and
signed a Volunteer's Agreement and Release of Liability form, during the period
of July 8, 2011 through July 10, 2011.

DATED: June 13, 2011

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William W. Kirby, M.D., Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 13th day of June 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk